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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,141	12/08/2000	Thomas A. Mazza	3287	2124

35420 7590 10/22/2003

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EXAMINER

NGUYEN, HAU H

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 10/22/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/733,141	MAZZA ET AL.	
	Examiner	Art Unit	
	Hau H Nguyen	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Arguments

1. Applicant's arguments filed February 12, 2003 have been fully considered but they are not persuasive. In response to Applicant's arguments that reference McCausland et al. does not teach "permitting operator to maintain substantially constant visual contact," the examiner disagrees. It should be noted that claim language is given the broadest reasonable interpretation. As shown in Figs. 1-3, reference McCausland et al. teaches a trading system performing trading operations, comprising a plurality of computers, each of which includes a display and a special keypad. Special keypad is illustrated in Fig. 3, with plurality of trading buttons, for example the control key cluster 204 contains several keys which control display of information on the trader station CRT unit 152 (col. 7, lines 7-13). These buttons allow the user "to maintain substantially constant visual contact" with the display. Further, as addressed in previous Office Action, McCausland et al. also teach software that enables controller interface with a variety of trading applications. Since McCausland et al. meets the minimum requirements of the claimed invention, rejections are maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-4, 8-15 are rejected under 35 U.S.C. 102(a) as being anticipated by McCausland et al. (U.S. Patent No. 5,243,331).

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Referring to claims 1, 13, and 15, as shown in Figs. 1-3, McCausland et al. disclose a computer system and program for trading securities comprising a central host computer system, plural personal computer-based trading stations geographically remote from the host system, a communications network connecting the trader stations to the host system, and a special-function keypad attached to the trading station for interacting with the system. The host system comprises plural mainframe computers, which execute real-time programs for assembling bids and offers into finalized transactions. The trader stations each execute local software in real-time to provide different transaction display, analysis, and execution functions, and communicate in real-time with the central computer using the data communication network to interchange bid, offer, and other transaction data (see col. 2, lines 40-55).

Referring to claims 2, 8, 10, 12, and 14 as shown in Fig. 3, the keypad 200 includes a plurality of pushbutton keys 208-258, which enable transactions to be completed with a reduced number of key strokes. The keypad 200 contains two main key clusters: A numeric/control cluster 202, and a screen select cluster 204. The numeric cluster 202 includes a conventional 10-digit numeric key set 206, and four cursor movement keys including left-arrow key 208, and right-arrow key 210, and up-arrow key 212, and a down-arrow key 214. The cursor movement keys 208 through 214 facilitate selection of items on the trader stations screen when the trading station software is running (col. 6, lines 41-60).

In regard to claim 3, as shown in Fig. 3, the control buttons are in different shapes.

As for claim 4, McCausland et al. teach a voice recognition unit is contemplated for use to enter order and commands in conjunction with the keypad (col. 17, lines 40-42).

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Referring to claim 9, McCausland et al. teach the [Alt] key 248, the [Ctrl] key 250, and the [Shift] key 252 enable the operator to accomplish specified operations when the keys 248, 250 or 252 are held down and another key is simultaneously pressed. For example, when the [Ctrl] key 250 is held down and the [Pg Fwd] key 236 is pressed, the trader station will display the next page format forward in the display. Thus, the [Ctrl] key 250 acts as a "accelerator" key, enabling the operator to quickly jump to specified format pages in the display. Similarly, the [Alt] key 248 and the [Shift] key 252 cause specified operations to occur when used in conjunction with another key (col. 7, lines 23-35).

As for claim 11, with reference to FIG. 5A, McCausland et al. further teach that to begin active operations, a user then selects menu item 1 from screen 601. The trader station software passes control to block 408 and the trading station then displays a screen and pauses until the user enters a trader identification number, as shown in blocks 408 and 410 of FIG. 5. The user types in a trader ID and a corresponding password to verify. This request is received and acted upon by the market memory program 90. If the trader ID and password are valid, the market processor 110 then downloads market information by transferring data over the communication links 101 or 102 between the update market processor 111 and the trader station 100, which acts as a slave during the transfer (col. 17, lines 54-68, and col. 18, line 1-5).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCausland et al. (U.S. Patent No. 5,243,331).

Referring to claim 16, although McCausland et al. do not teach the personal computers need not be connected to a central server, wireless or mobile personal computers are well known in the art, and therefore, it would have been obvious to one skilled in the art to modify the personal computer as taught by McCausland et al. using wireless communication so that it is more compact and portable.

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCausland et al. (U.S. Patent No. 5,243,331) in view of Grant (U.S. Patent No. 5,854,624).

Referring to claims 5 and 6, McCausland et al. teach all the limitations of claims 5 and 6 as applied in claim 1 above, except for the control unit having a visual display.

However, Grant discloses a pocket-sized user interface for world-wide web terminals and the like, such as personal computers, televisions, telephones, videogames and other consumer electronics. As shown in FIG. 3, the device 30 includes the display 54. The display 54 may be located in virtually any position on the housing 48 (col. 4, lines 41-43).

Therefore, it would have been obvious to one skilled in the art to utilize the display in the keypad for browsing as taught by Grant and incorporate to the trading control keypad as taught by McCausland et al. in order to provide information to the user, such as status or strength of the keypad's connection to the browser terminal, or the URL address, or many other bits of information (col. 4, lines 44-49).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCausland et al. (U.S. Patent No. 5,243,331) in view of Akatsuka et al. (U.S. Patent No. 5,047,754).

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Referring to claim 7, as cited above in claim 1, McCausland et al. teach all the limitations of claim 7, except that the control unit further comprises two or more visual displays in electrical communication with one or more computers, and a transfer mechanism to shift control between the displays.

However, Akatsuka et al. disclose a display apparatus for displaying a position indicating mark over a plurality of display screens comprises: a plurality of display units, each having a display screen; a coordinate input unit for entering coordinates of a current position of a position indicating mark to be displayed on a display screen; and a signal processing unit coupled with said display units and coordinate input unit for selecting automatically a display unit to which said coordinates entered by said coordinate input unit belong and for displaying the position indicating mark on the selected display unit (see col. 3, lines 21-34).

Therefore, it would have been obvious to one skilled in the art to utilize the method as taught by Akatsuka et al. and combine with the trading control keypad as taught by McCausland et al. in order to control the cursor over multiple displays (col. 1, lines 11-14).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau H. Nguyen whose telephone number is: 703-305-4104. The examiner can normally be reached on MON-FRI from 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 703-308-6829.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D. C. 20231

or faxed to:

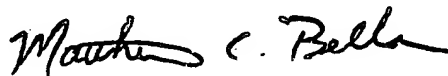
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

H. Nguyen

10/17/2003


MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600